



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,035	04/11/2001	Henry Ross Perot	3063:26	1760
31625	7590	03/15/2006	EXAMINER DASS, HARISH T	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ART UNIT 3628	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/834,035

Applicant(s)

PEROT ET AL.

Examiner

Harish T. Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 50-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Particularly, claims 1 and 13 recites limitation "wherein the economic transaction comprises an acquisition of ...", where Examiner is unable to find reference to "acquisition" in original specification. Applicant should point out where this "acquisition" can be found in original specification. Examiner assumes "acquisition of goods or services" is purchasing or ordering of goods or services (page 7 of spec). In claim 13, "operable" and in claim 49 "adjusts" and "proportionality" are not found in original specification. Please remove all words (limitations), which are not supported by the original specification.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3628

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieboer et al (hereinafter Nieboer – US 6,418,419) in view of Kalina (US 6,243,688).

Re. Claim 1, Nieboer discloses a system, method and apparatus [Abstract; Figures], an identifier that identifies a customer relative to an ownership position in a company [C11 L1-L61],

a transactional component that facilitates an economic transaction [Abstract; C1 L5-L42],

a transactional relay component, communicatively coupled to the transactional component, that facilitates a response to a server system regarding the economic transaction, the response including the identifier for the server system to locate additional information on the customer and to associate the economic activity with the customer [Figures 1-3; C5 L15 to C6 L40].

Nieboer does not explicitly disclose wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company.

However, Kalina discloses these features [Abstract; col. 1 lines 14-25, 40-48; col. 2 lines 12-16, 30-33, 45-48; col. 5 lines 51-57; entitlement = eligibility] to provide

Art Unit: 3628

incentives to customer to participate in loyalty program and retain the customer base. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Nieboer and Kalina to provide an incentive method for consumers to participate in loyalty program where the consumer will be able to exchange its purchase credit awards to investment vehicle.

Re. Claims 2 and 4, Nieboer discloses wherein the client communicates to the server through an interconnected network [Figures 1-3; C1 L5-L42; C2 L40-L43], and wherein the economic transaction is a transaction taking place through an interconnected network [Figures 1-3; C1 L5-L42; C2 L40-L43].

Re. Claims 3, 5-12 Nieboer discloses wherein the transactional component is circuitry facilitating a transaction (terminal) [C22 L47-L50], the other source comprising a personal digital assistant (workstation such as PC) [C20 L37-L60]. And wherein the identifier is received from another source (database) [C3 L33-L35]. Nieboer or Kalina does not explicitly disclose wherein the transactional relay component is a mass storage device (RAM, hard drive, etc),

wherein the transactional component is a web browser, wherein the transactional relay component is a wireless network interface, the other source comprising a wireless networking device, the other source comprising a wireless device, and the other source comprising digital smart card.

However, a web browser, a wireless network interface, the other source comprising a wireless networking device, the other source comprising a wireless device and the other source comprising digital smart card are will known method/mode of communications and identification (smart card), and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer and include wireless communication system and web browser to use the capability of these new common mode of communication which provides the user more flexibility to trade remotely and smart card to identify the customer.

Re. Claim 48, Nieboer discloses wherein the server system associates the economic activity with the ownership position of the customer [C5 L15 to C6 L40].

Re. Claim 49, Nieboer or Kalina does not explicitly disclose adjusts the ownership position according to the economic activity of the customer, wherein the ownership position and the economic activity have a direct proportionality. However, it is well known that a partner in business, mutual fund owner or stock holder of a company is an owner of part of the business, mutual fund or company assets which is proportional to his/her holdings. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer and Kalina and include an accounting system to provide a method to calculate the portion of the ownership of the holdings and adjust the ownership accordingly.

Claims 13-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieboer in view of Kalina and Martin et al, 1991, "Basic financial Management", 5th Edition, Prentice Hall Inc., ISBN 0-13-060807-6 (hereinafter Martin).

Re. Claims 33, 38-39 Nieboer discloses monitoring economic activity associated with the individual [see entire document of Nieboer particularly; Abstract; Figures 1-3, 16; C1 L5-L41; C2 L18-L22; C15 L50 to C16 L67];

and limiting the risk associated with the first type of ownership to an amount less than the investment [C3 L15-L21; C11 L1-L60; C19 L64-L67].

Nieboer does not explicitly disclose - offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria, wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock, and wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company.

Nieboer does not explicitly disclose - offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria, wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock.

However, Martin disclose offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria, wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock. (preferred stock or first type ownership and common stock or second type ownership) [see chapter 20 of Martin pages 743-757, specially pages 1 and 747] to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Kalina discloses wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company [Abstract; col. 1 lines 14-25, 40-48; col. 2 lines 12-16, 30-33, 45-48; col. 5 lines 51-57; entitlement = eligibility] to provide incentives to customer to participate in loyalty program and retain the customer base. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Nieboer, Kalina and Martin to provide an incentive method for consumers to participate in loyalty program where the consumer will be able to exchange its purchase credit awards to investment vehicle.

Re. Claims 34-37, Nieboer discloses the step of monitoring taking place through an interconnected network [C1 L5-L13; C1 L32-L33; C2 L42] and wherein the economic activity is effectuated by a network appliance (terminal) [C22 L47-L50]. Nieboer does



Art Unit: 3628

not explicitly disclose monitoring occurring over a web browser, and wherein the economic activity is effectuated by a wireless device. However, web browsers and wireless communication systems are well known, and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer and Martin to include wireless communication system and web browser to use the capability of these new common mode of communication which provides the user more flexibility to trade remotely.

Re. Claim 40, Nieboer discloses wherein the predetermined criteria is a level of economic activity (conditional offer) [C3 L48-L67].

Re. Claim 41, Martin further discloses wherein the first ownership interest has an expiration time [Page 745] to allow the owner to convert the security before number of years have passed. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nieboer and include an expiration time for the first ownership interest to allow the owner to change the security per specified time stated in original issue.

Re. Claims 42-47, Nieboer discloses the step of limiting the risk comprising investing a portion a proceeds from the investment into a fixed income investment (bond) [C1 L5-L13; C15 L50 to C18 L50], the step of limiting the risk comprising investing a portion a proceeds from the investment into a bond (treasury to bonds) [C1 L5-L13; C15 L50 to

Art Unit: 3628

C18 L50], the step of limiting the risk comprising investing a portion of the amount of investment with a guarantor (option trader) [C1 L5-L13; C15 L50 to C18 L50]. Neither Nieboer nor Martin explicitly discloses the step of limiting the risk comprising securing a financial guarantee from a third party, wherein the amount less than the investment is zero, and wherein the amount less than the investment is less than 20% of the investment amount. However these are will-known features to one skill in the art of trading. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer and Martin and specify the risk level, which is acceptable to investor (trader) in case of losses.

Re. Claim 13, Nieboer discloses a transactional reception component that receives information on an economic transaction relating to an individual [Figure 1 # 1; C4 L5-L10], a transactional processing component, communicatively coupled to the transactional reception component, that determines in what form the individual may participate in ownership of the company [C1 L5-L13; C1 L32-L33; C2 L40-L44; C22 L47-L50], and the risk associated with the first form of ownership being limited to a predetermined amount, the predetermined amount being less than an initial investment of the individual in the first form of ownership [C3 L15-L21; C11 L1-L60; C19 L64-L67], and a data storage medium, communicatively coupled to the transactional processing component, that stores information on ownership rights in the company relating to the individual (database) [C8 L18]. Nieboer does not explicitly disclose the transactional

processing component determining that the individual is entitled to convert a first form of ownership in the company to a second form of ownership.

However, Martin disclose this feature (preferred stock or first type ownership and common stock or second type ownership) [see chapter 20 of Martin pages 743-757, specially pages 1 and 747] to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Re. Claim 18, Nieboer discloses wherein the predetermined criteria is a level of economic activity [C1 L5-L41; C2 L18-L22; C15 L50 to C16 L67].

Re. Claims 17, 20-21, Martin further discloses wherein the conversion from the first form to the second form is based on a predetermined criteria, wherein the first form of ownership is a preferred stock, and wherein the second form of ownership is a common stock [Martin - pages 743-757, specially pages 1 and 747]. to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Re. Claims 14-16 and 19, neither Nieboer nor Martin explicitly discloses wherein the transactional reception component is an interface to an interconnected network, wherein the transactional reception component is a mass storage device reader, and wherein

Art Unit: 3628

the transactional reception component is a keyboard, and wherein the data storage medium is a semiconductor memory. However these are found in most client/server system (e.g. online trading systems).

Re. Claims 22-23, claims 22-23 are rejected with same rational claim 42-47.

Re. Claims 24-27, claims 24-27 are rejected with same rational as claims 13-16.

Re. Claim 28, claim 28 is rejected with same rational as claim 17.

Re. Claim 29, claim 29 is rejected with same rational as claim 18.

Re. Claim 30, claim 30 is rejected with same rational as claim 19.

Re. Claims 28, 31 and 32, claims 28, 31-32 are rejected with same rational as claim 17, 20-21.

2. Newly submitted claims 50-68 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: original claims where directed to determining entitlement of ownership in a company. The present introduced new claims are directed to providing an ownership in a entity having first and second type of ownership interest.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 50-68 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Response to Arguments***

3. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

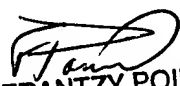
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

3/6/06

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628